

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS MANWELL DAWSON,  
Plaintiff,  
v.  
JEFF LYNCH, et al.,  
Defendants.

No. 2:21-cv-0510 DC AC P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Currently before the court are plaintiff's motion for preliminary injunction (ECF No. 87) and defendant Bobbala's motion to compel discovery (ECF No. 92).

I. Motion for Preliminary Injunction

Plaintiff has filed a motion for preliminary injunction in which he request that he be granted medical single cell status and transferred to California Medical Facility. ECF No. 87 at 8. Defendants Bobbala, Ma, and Uddin oppose the motion. ECF Nos. 88, 89.

"A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008) (citations omitted). In order to prevail on a motion for preliminary injunctive relief, the Ninth Circuit has also held

1 that there must be a relationship between the injury claimed in the  
2 motion for injunctive relief and the conduct asserted in the  
3 underlying complaint. This requires a sufficient nexus between the  
4 claims raised in a motion for injunctive relief and the claims set forth  
5 in the underlying complaint itself. The relationship between the  
6 preliminary injunction and the underlying complaint is sufficiently  
strong where the preliminary injunction would grant “relief of the  
same character as that which may be granted finally.” De Beers  
Consol. Mines[ v. United States], 325 U.S. [212,] 220, 65 S. Ct. 1130  
[(1945)]. Absent that relationship or nexus, the district court lacks  
authority to grant the relief requested.

7 Pac. Radiation Oncology, LLC v. Queen’s Med. Ctr., 810 F.3d 631, 636 (9th Cir. 2015).

8 Plaintiff’s claims related to the discontinuation of his single cell status and denial of a  
9 transfer to a medical prison were dismissed at the screening stage. ECF Nos. 51, 70. Because  
10 these claims have been dismissed and the remaining claims are not related to his cell status or  
11 prison assignment, he cannot show any likelihood of success on the merits.

12 A district court also has no authority to grant relief in the form of a preliminary injunction  
13 where it has no jurisdiction over the parties. Ruhrgas AG v. Marathon Oil Co., 526 U.S. 574, 584  
14 (1999) (“Personal jurisdiction, too, is an essential element of the jurisdiction of a district . . .  
15 court, without which the court is powerless to proceed to an adjudication.” (alteration in original)  
16 (citation and internal quotation omitted)). Plaintiff states that he is attempting to enjoin conduct  
17 by Salinas Valley State Prison custody, administrative, and medical staff. ECF No. 87 at 1. In  
18 opposing the motion, defendants Bobbala, Ma, and Uddin assert they have no authority to provide  
19 the relief plaintiff seeks because they are employed at California State Prison, Sacramento (ECF  
20 No. 88 at 4; ECF No. 89 at 5), and while Soltanian-Zadeh has not responded to the motion, his  
21 motion to modify the scheduling order reflects that he has retired from the California Department  
22 of Corrections (ECF No. 90-1 at 2). It is therefore clear that plaintiff is not attempting to enjoin  
23 defendants’ conduct. The court lacks jurisdiction over the non-party Salinas Valley State Prison  
24 employees unless plaintiff provides facts showing that they are acting “in active concert or  
25 participation” with the defendants. Fed. R. Civ. P. 65(d)(2); Zenith Radio Corp. v. Hazeltine  
26 Rsch., Inc., 395 U.S. 100, 112 (1969) (“[A] nonparty with notice cannot be held in contempt until  
27 shown to be in concert or participation.”)). Plaintiff has failed to provide any such facts.

28 For these reasons, the motion for a preliminary injunction should be denied.

1 II. Motion to Compel

2 Defendant Bobbala has filed a motion to compel. ECF No. 92. After plaintiff failed to  
3 respond to the motion, the court ordered him to do so within twenty-one days and cautioned that  
4 failure to respond could result in the imposition of sanctions or a recommendation that this action  
5 be dismissed. ECF No. 93. Twenty-one days have now passed, and plaintiff has not filed any  
6 response to the motion.

7 Bobbala served interrogatories and requests for production on plaintiff on March 4, 2025.  
8 ECF No. 3. After plaintiff failed to respond to the discovery requests, defense counsel sent him a  
9 letter regarding the failure and then had a telephone call with him where she agreed to extend his  
10 deadline to submit responses. ECF No. 92 at 3. Approximately two weeks later, and after the  
11 agreed upon deadline had passed, plaintiff left a voicemail for counsel saying he hoped to have  
12 the responses in the mail by May 26, 2025. Id. As of the July 9, 2025, filing of the motion to  
13 compel, Bobbala had not received plaintiff's responses. ECF No. 92.

14 Plaintiff has failed to respond to discovery requests and to the motion to compel, and he  
15 has not provided any explanation for his failures to act.<sup>1</sup> Accordingly, defendant Bobbala's  
16 motion to compel will be granted and plaintiff will be required to provide responses to the  
17 interrogatories and requests for production without objection. Having initiated this lawsuit,  
18 plaintiff has an obligation to pursue it diligently, and that includes participating in the discovery  
19 process. If plaintiff fails to comply with this order, he will be subject to sanctions, which shall  
20 range up to dismissal of this case for failure to prosecute and failure to comply with a court order.  
21 See Fed. R. Civ. P. 16(f); Fed. R. Civ. P. 41(b); L.R. 110.

22 CONCLUSION

23 Accordingly, IT IS HEREBY ORDERED that:

- 24 1. Defendant Bobbala's motion to compel (ECF No. 92) is granted.  
25 2. Within fourteen days of the service of this order, plaintiff must provide responses to  
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27 <sup>1</sup> The requests for discovery appear to be reasonably related to the issues in this case. ECF No.  
28 92 at 10-11, 15. However, even if the requests were not reasonably related, plaintiff would still  
be obligated to at least raise any objections he might have to the requests.

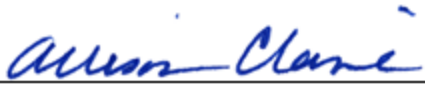
defendant's interrogatories and requests for production without objection.

3. If plaintiff fails to comply with this order, he will be subject to sanctions which shall range up to dismissal of this case for failure to prosecute and failure to comply with a court order. See Fed. R. Civ. P. 16(f); Fed. R. Civ. P. 41(b); L.R. 110.

IT IS FURTHER RECOMMENDED that plaintiff's motion for preliminary injunction (ECF No. 87) be DENIED.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any response to the objections shall be served and filed within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: September 26, 2025

  
ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE